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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; SONY BMG MUSIC
ENTERTAINMENT; ARISTA RECORDS LLC;
ELEKTRA ENTERTAINMENT GROUP INC.;
CAPITOL RECORDS, INC.; and BMG MUSIC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; and BMG MUSIC, a New
York general partnership,

Plaintiffs,

v.

ELISE TAMAI,
Defendant.

CASE NO. 3:07-CV-04835-JCS

The Honorable Joseph C. Spero

**[PROPOSED] DEFAULT JUDGMENT AND
PERMANENT INJUNCTION**

Based upon Plaintiffs' Application for Default Judgment By The Court, and good cause appearing therefor, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the nine (9) sound recordings listed in Exhibit A to Plaintiffs' First Amended Complaint ("Complaint"). Accordingly, having adjudged to be in default, Defendant Elise Tamai ("Defendant") shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Dollars (\$6,750.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred and Twenty Dollars (\$420.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "You And Me," on album "Lifehouse," by artist "Lifehouse" (SR# 370-643);
- "Freak On a Leash," on album "Follow the Leader," by artist "Korn" (SR# 263-749);
- "Paper Wings," on album "Siren Song Of The Counter Culture," by artist "Rise Against" (SR# 355-243);
- "All Out Of Love," on album "Lost In Love," by artist "Air Supply" (SR# 38-070);
- "Lullaby," on album "Disintegration," by artist "The Cure" (SR# 104-305);
- "Over and Over," on album "Suit," by artist "Nelly" (SR# 358-551);
- "Crush," on album "Clarity," by artist "Jimmy Eat World" (SR# 262-667);
- "A Long December," on album "Recovering The Satellites," by artist "Counting Crows" (SR# 226-415);
- "Think Twice," on album "It's All in Your Head," by artist "Eve 6" (SR# 335-549);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) and of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for

1 distribution to the public, except pursuant to a lawful license or with the express authority of
2 Plaintiffs. Defendant shall also destroy all copies of Plaintiffs' Recordings that defendant has
3 downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall
4 destroy all copies of those downloaded recordings transferred onto any physical medium or device in
5 Defendant's possession, custody, or control.

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7
8
9 Dated: _____

By: _____
Honorable Joseph C. Spero
United States Magistrate Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On June 5, 2008, I served the foregoing documents described as:

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Elise Tamai
564 Alviso Street
Santa Clara, CA 95050**

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 5, 2008 at San Francisco, California.



Della Grant